

REMARKS

Claims 1-4 and 6-8 are pending. Claim 1 is hereby amended. No new matter has been added, and support can be found at, for example, page 2, lines 22-25; page 4, lines 22-25; and page 8, lines 21-30.

1. 35 U.S.C. 102 Rejection

Claims 1-3 and 7 are rejected under 35 U.S.C. 102(b) over Bosley (U.S. 5,514,176).

Claim 1 is applicants' sole pending independent claim, and it recites a stent for use within a body lumen of a patient. The stent comprises a coil segment and a flexible polymer material. The coil segment comprises a wound element including one or more windings spaced from each other along at least a portion of the length of the coil segment. The coil segment is compressible lengthwise and extendable lengthwise. The flexible polymer material encapsulates at least a portion of the coil segment and is disposed between the spaced windings of the wound element to form an imperforate flexible webbing between the windings.

Bosley describes a pull apart coil stent 10 with adjacent loops 12 that abut each other (Abstract; col. 4, lines 8-11). The abutting loops are secured to one another to form a resilient configuration of generally fixed dimension (Abstract; col. 3, lines 11-14; col. 4, lines 12-14). The abutting loops are secured together by "securing means 16" such as a medical grade silicone adhesive 20 (col. 5, lines 6-8; col. 7, lines 7-19; Fig. 9).

Bosley does not teach or suggest either one or more spaced windings or a coil segment that is compressible lengthwise and extendable lengthwise. Rather, Bosley's stent has adjacent loops detachably secured to one another to yield a configuration of generally fixed dimension.

Accordingly, claim 1 is patentable over Bosley. Claims 2, 3, and 7 depend from claim 1 and thus also are patentable over Bosley.

2. 35 U.S.C. 103 Rejection -- Bosley and Yachia

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) over Bosley in view of Yachia et al (U.S. 5,246,445). Claims 4 and 6 depend from claim 1.

As set forth above, claim 1 is patentable over Bosley. Yachia does not remedy the deficiencies in Bosley.

In one embodiment, Yachia, like Bosley, describes a wire having tight windings. In Yachia, these tight windings prevent “leaking through” of the inner lining of a vessel or duct and prevent incorporation of the device into that inner lining or wall (col. 4, lines 45-49). Given that each of Bosley and this embodiment of Yachia fails at least to teach or suggest anything about spaces between the windings, no combination of these two disclosures could possibly have resulted in a stent with one or more spaced windings.

In another embodiment in Yachia in which space is provided between windings to allow incorporation, Yachia does not teach or suggest applicants’ invention at least because that other embodiment is inconsistent with the teachings of Bosley in that one teaches spacing and the other no spacing (and thus those two references are not properly combinable) and because that other embodiment does not allow for anything to be disposed between the spaced windings given that open space must be there to allow incorporation.

Accordingly, claims 4 and 6 (which depend from claim 1) are patentable over Bosley and Yachia.

3. 35 U.S.C. 103 Rejection -- Bosley and Hachtman

Claim 8 is rejected under 35 U.S.C. 103(a) over Bosley in view of Hachtman et al. (U.S. 5,645,559). Claim 8 depends from claim 1.

Hachtman does not remedy the deficiencies in Bosley. Hachtman merely describes a stent in the form of an open weave/mesh. Hatchman does not teach or suggest the claimed coil segment.

Thus, claim 8 (which depends from claim 1) is patentable over Bosley and Hatchman.

4. 35 U.S.C. 103 Rejection -- Zukowski and Bosley

Claims 1-3 are rejected under 35 U.S.C. 103(a) over Zukowski et al. (WO 97/40755) in view of Bosley.

Zukowski describes an implantable support device that is positioned about a dilated vein to apply an external deformation force to the vein (page 1, lines 8-10). Figs. 15-18 show a helical support. The support is fabricated by spirally winding elongate strips of material about a cylindrical mandrel. One or more reinforcing members (wires 510, 511) are then wound about the material. (See page 9, lines 23-27.) The wires 510, 511 can further be provided with an "outer covering" of another layer of the elongated strip of material, thereby sandwiching the wires 510, 511 between two strips of material. (See page 9, lines 34-35.) The mandrel is then heated and the wires become a unitary part of the helical structure. Any number of wires can be incorporated. Fig. 17 shows two reinforcing wires 510 and 511. (See page 9, lines 23-53.)

Thus, according to Zukowski, a plurality of windings are formed from strips of elongate material with one or more wires incorporated therein. A space is provided between these windings, but no material is provided in that space.

Further, one of ordinary skill would not have been motivated to combine Zukowski and Bosley. Zukowski's device is specifically adapted to be placed over a dilated vein for compression of the vein. Zukowski describes a helical structure with spaces between windings so that the helix can be opened up and the device placed over a vein. Upon release, the device returns to a helical shape over the vein. (See page 10, lines 1-8.) Without the space and the

ability to uncoil and then recoil the helix, Zukowski's device would be incapable of being placed about a vein. Bosley, on the other hand, describes a device for insertion into a lumen (not around a lumen) and with windings that abut each other.

Because of the significant differences between the devices in Zukowski and Bosley and the significant differences in how the different devices are used, one of ordinary skill would not have been motivated to combine Zukowski and Bosley. One of ordinary skill would not have made a modification of the Zukowski device to make it more like the Bosley device, or vice versa, because such modification would have rendered the modified device unsuitable to be used as intended.

Accordingly, claims 1-3 are patentable over Zukowski and Bosley.

CONCLUSION

In view of the foregoing, applicants request reconsideration and allowance of claims 1-4 and 6-8.

It is believed that no fees are required for consideration of this response. However, if for any reason the fee paid is inadequate or credit is owed for any excess fee paid, the Office is hereby authorized and requested to charge Deposit Account No. **04-1105**.

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Respectfully submitted,



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